

## ARTICLE 5 ESTABLISHMENT OF DISTRICTS

### SECTION 5.0 ZONING DISTRICTS

The Township of Morton is hereby divided into Zoning Districts, as named and described in the following sections. The boundaries of said zoning districts are hereby established as shown on the official zoning map.

### SECTION 5.1 CONDITIONAL REZONING

An owner of land in Morton Township may voluntarily offer in writing certain use and development of the land as a condition to rezoning of the land. Morton Township can receive requests for conditional rezoning as authorized by MCL 125.286i without being obligated to grant or approve the requested rezoning. All requests for rezoning with conditions shall be submitted and reviewed according to this Article.

#### 1. Request

All requests for rezoning with conditions authorized by MCL 125.286i shall be submitted in writing to the Morton Township Zoning Administrator with documentary evidence of the applicant's ownership interest in the land requested to be rezoned;

- the offer in writing proposing certain use and development of the land as a condition to the requested rezoning;
- a "Class A Site Plan" depicting any proposed use or development that is offered as a condition of the requested rezoning;
- a timetable on which proposed development will occur;
- an acknowledgment that Morton Township is not obligated to grant the requested rezoning;
- an application fee of \$250.

#### 2. Procedure

- A. The request for rezoning with conditions along with supporting documents shall be submitted to the Township Planning Commission for:
  1. review;
  2. conducting a public hearing;
  3. providing a recommendation to the Morton Township Board of Trustees on whether
    - a. to grant;
    - b. to deny;
    - c. to remand to the Morton Township Planning Commission;
    - d. or otherwise respond to the request.
- B. Notice of the requested rezoning shall be given as required by law.
- C. Morton Township shall not require a landowner to offer conditions as a requirement for rezoning.

- D. Not less than ninety (90) days from the date of receiving a request for rezoning with conditions in the form described in this Article, the Morton Township Planning Commission shall complete the review process and forward its recommendation to the Morton Township Board of Trustees, and within thirty (30) days of receipt of the recommendation, the Morton Township Board of Trustees shall act to grant, deny or remand to the Township planning commission for additional study and recommendation, or otherwise grant in part and deny in part the request.
- E. There is no right to appeal to the Zoning Board of Appeals from the recommendation of the Township Planning Commission on the request for rezoning with conditions, or on the action of the Morton Township Board on the request.

### 3. Standards

In evaluating the request for rezoning with conditions the Township Planning Commission shall consider:

- A. Uses permitted in the existing zoning district in which the land is located;
- B. The uses permitted in the zoning district requested by rezoning;
- C. The use(s) proposed to be excluded, limited, or prohibited as a condition of the requested zoning;
- D. The compatibility or incompatibility of the uses or development that will be allowed by the requested rezoning with existing uses and development on properties within fifteen hundred (1500) feet of the parcel(s) requested to be rezoned;
- E. Whether the requested rezoning with conditions is consistent with the Morton Township Master Plan, or contrary to it;
- F. Whether the uses or development proposed for the parcel(s) requested to be rezoned are likely to increase or decrease surrounding property values;
- G. Whether the infrastructure in the form of roads and utilities in the area suggested for rezoning will support the proposed uses or development, or if significant upgrades or changes will be necessary;
- H. Whether the proposed conditions will provide adequate safeguards for surrounding uses and properties if the requested rezoning is granted;
- I. Whether the proposed conditions provide terms by which the conditions can be enforced or accomplished after rezoning occurs;
- J. Whether any of the proposed conditions need to be recorded and reflected in the chain of title to be effective;
- K. Whether the requested rezoning will allow and encourage "the proper use of land and natural resources" as specified in Section 1.0 of the Morton Township Zoning Ordinance;

- L. Any other factor deemed important and appropriate for consideration by the Morton Township Planning Commission.

The Morton Township Planning Commission shall reflect its determinations or findings on each of the enumerated standards when making its recommendations to the Morton Township Board of Trustees on the requested rezoning.

4. Contract

Any rezoning with conditions approved or granted by the Morton Township Board of Trustees shall include a signed contract between the owner(s) and Morton Township, which shall be recorded with the Mecosta County Register of Deeds.

5. Decision

The Morton Township Board of Trustees' decision on the request for rezoning is not limited or restricted to the land or zoning district described in the request, and the Morton Township Board of Trustees is not required to accept any or all of the proposed conditions. The authority and discretion of the Morton Township Board of Trustees to rezone land that is the subject of conditional rezoning is not limited or restricted by the fact or terms of conditional rezoning.

6. Review

There shall be no right of review or appeal of the actions of the Township Planning Commission, except to the extent the request for rezoning is considered and decided by the Morton Township Board of Trustees.

## **SECTION 5.2 DISTRICT R-1**

1. Intent - To establish and preserve quiet, single family home neighborhoods as desired by large numbers of people, free from other uses except those which are both compatible with and convenient to the residents of such a district.
2. Permitted Principal Uses - Detached single family dwellings, limited to one dwelling per lot.
3. Special Land Use Permit - Any requested use not specifically specified in the permitted principal uses may be issued a permit in accordance to Section 5.19 General Regulations.
4. Every residential building hereafter erected or moved upon the premises must have a minimum width on three sides of 24'.

## **SECTION 5.3 DISTRICT R-2**

1. Intent - Same as R-1 with the inclusion of mobile homes.
2. Permitted Principal Uses - Detached single family dwellings, mobile homes, and double wides, which meet Michigan standards, and duplexes.
3. Special Land Use Permit - Any requested use not specifically specified in the permitted principal uses may be issued a permit in accordance to Section 5.19 General Regulations.